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Paper No.

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JUL 25 2006

OFFICE OF PETITIONS

In re Application of :
Elliott et al. :
Application No. 10/664,552 : DECISION ON
Filed: September 18, 2003 : PETITION
Attorney Docket No. 25244A :

This is a decision on the Renewed Petition to Withdraw the Holding of Abandonment Under 37 C.F.R. § 1.181 filed March 24, 2006.

The above-identified application became abandoned effective January 19, 2005 for failure to file a timely and proper reply to the non-final Office action mailed October 18, 2004. A courtesy Notice of Abandonment was mailed on June 30, 2005.

By decision mailed February 10, 2006, the initial petition to withdraw the holding of abandonment filed July 13, 2005 was dismissed. Relying on 37 CFR 1.8(b), petitioner asserted that a timely response was transmitted by facsimile on January 14, 2005. In support thereof, petitioner submitted a copy of the response as maintained to have been faxed to the Office. However, the petition was dismissed because petitioner did not include a statement under 1.8(b)(3).

On instant renewed petition, petitioner submitted the statement of Brooke Spieth, the signer of the certificate of facsimile transmission, attesting to the personal knowledge of the transmitting of the original response as indicated on the certificate of facsimile transmission. Petitioner has satisfied the requirement of 1.8(b)(3) to include "a statement which

attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission."

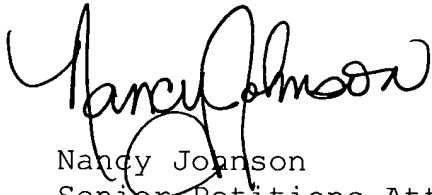
In view thereof, the notice of abandonment mailed June 30, 2005 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 3635 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical staff to withdraw the holding of abandonment and for the examiner to consider the response to the Office action resubmitted on the initial petition filed July 13, 2005.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", written in a cursive style.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions